

**IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF TENNESSEE**

SHAWNEE MATHIS, et al.

Plaintiffs,

v.

WAYNE COUNTY BOARD OF EDUCATION, et al.

Defendants

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)
) **Civil Action No.**

) **1:09-cv-0034**
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)

AGREED PROTECTIVE ORDER

The parties, as evidenced by the signatures of their respective counsel below, agree to a Protective Order as follows:

1. All records disclosed by the Department of Children's Services' during these proceedings shall be maintained by the parties and their counsel as confidential records and shall not be disclosed or re-released to anyone for any purpose other than the proceedings currently before this Court without further authorization from the Department of Children's Services or the individual identified in the record. DCS records are confidential pursuant to T.C.A. 37-1-409, 37-1-612, and 37-5-107. T.C.A. 37-1-409(c) refers to T.C.A. 37-1-612. T.C.A. 37-1-612(c)(6) provides an exception to the confidentiality statute for: "An attorney or next friend who is authorized to act on behalf of the child, who is the subject of the records, for the purpose of recovering damages or other remedies authorized by law in a civil cause of action against the perpetrator or other person

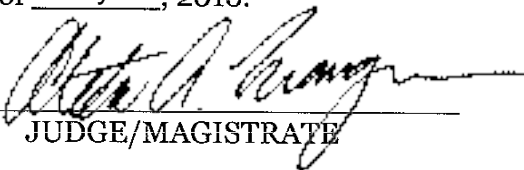
or persons who may be responsible for the actions of the perpetrator". Plaintiffs' counsel subpoenaed the records of DCS.

2. All information obtained from these records directly or indirectly, including case-specific testimony and out-of-court statements by employees of the Department of Children's Services, shall be considered confidential and shall not be disclosed or re-released to anyone for any purpose other than the proceedings currently before this Court without further authorization from the Department of Children's Services or the individual identified in the record.

3. At the conclusion of these proceedings, all such records containing protected health information, as defined by 45 C.F.R. 106.103 (including medical, mental health, and substance abuse treatment records) in the possession of the parties and their counsel (other than records in the possession of the individual identified in the record) shall be returned to the Department of Children's Services or destroyed.

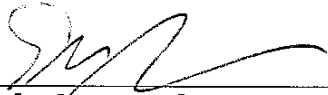
**THIS BEING THE AGREEMENT OF THE PARTIES,
IT IS SO ORDERED, ADJUDGED AND DECREED.**

ENTERED the 19th day of May, 2010.

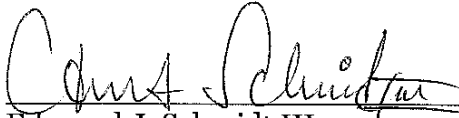


JUDGE/MAGISTRATE

APPROVED FOR ENTRY:



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